

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

V.

DANNY LEWIS KIRKLAND (09)

§
§
§
§

CASE NO. 6:07cr85

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and the Honorable John D. Love issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #492]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally approve his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count One** of the **Superseding Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #492] of the United States Magistrate Judge is **ADOPTED**.

It is further **ORDERED** that the Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally **ORDERED** that, pursuant to the Defendant's plea agreement, the Court finds the Defendant **GUILTY** of **Count One** of the **Superseding Indictment** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to **Count One** of the **Superseding Indictment**.

SIGNED this 24th day of February, 2009.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE